

Amendment and Response

Applicant: Lizhang Yang

Serial No.: 10/687,195

Filed: October 16, 2003

Docket No.: 58829US002

Title: APPARATUS AND METHOD FOR TRANSITIONING FIBER OPTIC CABLES

IN THE DRAWINGS

The Replacement Sheet of drawings includes changes to Fig. 5. Reference number 56 has been added to Figure 5.

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REMARKS

The following remarks are made in response to the Office Action mailed September 27, 2005, in which claims 1-14 were rejected. With this Response, claim 1 has been amended. Claims 1-22 remain pending in the application, with claims 15-22 having been previously withdrawn from consideration as being directed to a non-elected invention.

Objections to the Drawings

The drawings have been objected to as failing to comply with 37 CFR 1.84(p)(5). Specifically, the drawings: 1) *do not* include reference number 56 that *is* mentioned in the specification; and 2) *do* include reference number 90 that *is not* mentioned in the specification.

With this Amendment, a Replacement Sheet of drawings is submitted, adding reference number 56 to Figure 5. In addition, paragraph [0009] of the specification has been amended to include reference number 90, which is shown in Figure 9.

With the above amendments to the drawings and the specification, Applicants respectfully submit the drawings now comply with 37 CFR 1.84(p)(5), and withdrawal of the objections is requested.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 2, 6-8 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,367,595 to Jennings et al.

Referring to claim 1, the Jennings et al. reference is alleged to disclose an apparatus for arranging optical fibers, the apparatus comprising at least one channel, each channel comprising: an input zone (134) for holding a plurality of fiber optic cables (14), each cable having at least one optical fiber (35); a transition zone (130, 128) adjacent to the input zone; an output zone (136) adjacent to the transition zone, the output zone comprising at least one slot (126), each slot having a maximum width that is equal to a multiple of the optical fiber diameter plus one half optical fiber diameter. (Referring to Figs. 1-23 and corresponding portions of the specification).

The rejection under 35 U.S.C. §102 is respectfully traversed. Under 35 U.S.C. §102, the cited reference must show each and every feature of the claimed invention. Extension of

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or speculation as to the cited teaching is permitted only when *necessarily present* in the disclosed apparatus or method. In other words, if a particular feature is not specifically disclosed it can only be relied upon under 35 U.S.C. §102 if and only if such feature is necessarily present in the disclosed apparatus or method. See, *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”), and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (“The identical invention must be shown in as complete detail as is contained in the . . . claim”).

Applicants respectfully disagree with the characterization of Jennings et al. as set forth in the Office Action, and submit that Jennings et al. fails to show each and every feature of claim 1. In particular, Applicants submit that Jennings et al. **fails to teach “the apparatus comprising at least one channel, each channel comprising: an input zone for holding a plurality of fiber optic cables,”** (emphasis added) and such feature is not *necessarily present* in the apparatus of Jennings et al. In each of its embodiments, Jennings et al. teaches a device having multiple “channels,” each channel configured for holding a fiber optic cable and its associated optical fiber. However, each channel of Jennings et al. is configured to hold only a *single* fiber optic cable, in contrast to the *plurality* of fiber optic cables set forth in claim 1 of the present application. Jennings et al. makes no teaching or suggestion that a plurality of fiber optic cables may be held in each channel.

In addition, claim 1 has been amended to make clear that the transition zone is configured to contain all of the optical fibers of the fiber optic cables in a common space. Support for the amendment can be found in the application in, for example, Figs. 3, 4, 7 and 8 and corresponding portions of the specification. Jennings et al. **fails to teach “the transition zone configured to contain all of the optical fibers of the plurality of fiber optic cables in a common space,”** and such feature is not *necessarily present* in Jennings et al. Rather, in each of the embodiments of Jennings et al., the optical fibers are maintained in *separate* passages until merging into the common slot at the face of the device (see, for example, slot 34 in Figs. 1-3, and slot 124 in Figs. 5-10). The characterization of Jennings et al. set forth in the Office Action supports Applicants’ position. For example, referring claim 2 of the application (claiming that “the transition zone has a geometry that will not violate the

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minimum bend radius of the optical fiber”), the Office Action equates grooves 122 of Jennings et al. with the claimed transition zone. As clearly seen in Fig. 10 of Jennings et al., the grooves 122 separate the optical fibers, making it impossible for Jennings et al. to teach “the transition zone configured to contain all of the optical fibers of the plurality of fiber optic cables in a common space” as set forth in claim 1.

For at least these reasons, Applicants respectfully submit that Jennings et al. fails to teach or suggest each and every feature of the invention as set forth in independent claim 1. Accordingly, withdrawal of the rejection of claim 1 under 35 U.S.C. §102(b) is respectfully requested.

Claims 2, 6-8 and 12-14 depend, either directly or indirectly, from independent claim 1 which is in allowable condition for at least the reasons set forth above. Accordingly, dependent claims 2, 6-8 and 12-14 are also in allowable condition at least by reason of their dependency from claim 1, and withdrawal of the rejection under 35 U.S.C. §102(b) is respectfully requested.

Claim Rejections under 35 U.S.C. § 103

Claims 3-5 and 9-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,367,595 to Jennings et al.

The rejections under 35 U.S.C. §103(a) are respectfully traversed. Dependent claims 3-5 and 9-11 depend from independent claim 1, which is in allowable condition for at least the reasons discussed above. Because Jennings et al. fails to teach or suggest all of the limitations of claim 1, dependent claims 3-5 and 9-11 are also allowable at least by reason of their dependency from an allowable independent claim. Accordingly, for at least this reasons, withdrawal of the rejections under 35 U.S.C. §103(a) is respectfully requested.

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CONCLUSION

In view of the above, Applicant respectfully submits that claims 1-14 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-14 is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to either Matthew B. McNutt at Telephone No. (512) 231-0531, Facsimile No. (512) 231-0540 or Gregg Rosenblatt at Telephone No. (512) 984-7443, Facsimile (512) 984-2020. In addition, all correspondence should continue to be directed to the following address:

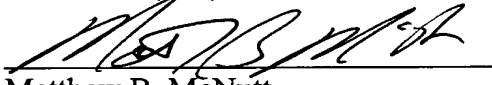
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Respectfully submitted,

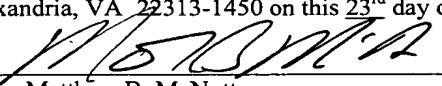
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23rd day of Dec., 2005.

By 
Name: Matthew B. McNutt